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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,893	10/08/2004	Nicholas Sean Flinn	40671/2072	3779
29933	7590	09/12/2007	EXAMINER	
PALMER & DODGE, LLP			POWERS, FIONA	
KATHLEEN M. WILLIAMS			ART UNIT	PAPER NUMBER
111 HUNTINGTON AVENUE			1626	
BOSTON, MA 02199				
MAIL DATE		DELIVERY MODE		
09/12/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/510,893	FLINN ET AL.	
	Examiner	Art Unit	
	Fiona T. Powers	1626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 June 2007.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-30,34-46 and 50-56 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) _____ is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) 1-30,34-46 and 50-56 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. _____ | 6) <input type="checkbox"/> Other: _____ |

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Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1 to 11, 17 and 18 (all in part) and claims 12 to 16, drawn to compounds of the formula Ia and preparation thereof.

Group II, claim(s) 1 to 11, 17 and 18 (all in part), drawn to compounds of the formula Ib and preparation thereof.

Group III, claim(s) 1 to 11, 17 and 18 (all in part), drawn to compounds of the formula Ic and preparation thereof.

Group IV, claim(s) 1 to 11, 17 and 18 (all in part), drawn to compounds of the formula Id and preparation thereof.

Group V, claim(s) 1 to 11, 17 and 18 (all in part), drawn to compounds of the formula Ie and preparation thereof.

Group VI, claim(s) 19 to 21 (all in part), drawn to compounds of the formula XIVa and preparation thereof.

Group VII, claim(s) 19 to 21 (all in part), drawn to compounds of the formula XIVb and preparation thereof.

Group VIII, claim(s) 19 to 21 (all in part), drawn to compounds of the formula XIVc and preparation thereof.

Group IX, claim(s) 19 to 21 (all in part), drawn to compounds of the formula XIVd and preparation thereof.

Group X, claim(s) 19 to 21 (all in part), drawn to compounds of the formula XIVe and preparation thereof.

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Group XI, claim(s) 22 to 29, 34, 38, 40 to 43, 50 and 52 to 56 (all in part), drawn to compounds of the formula XVa, pharmaceutical compositions thereof and preparation thereof.

Group XII, claim(s) 22 to 29, 34, 38, 40 to 43, 50 and 52 to 56 (all in part), drawn to compounds of the formula XVb, pharmaceutical compositions thereof and preparation thereof.

Group XIII, claim(s) 22 to 29, 34, 38, 40 to 43, 50 and 52 to 56 (all in part), drawn to compounds of the formula XVC, pharmaceutical compositions thereof and preparation thereof.

Group XIV, claim(s) 22 to 29, 34, 38, 40 to 43, 50 and 52 to 56 (all in part), drawn to compounds of the formula XVd, pharmaceutical compositions thereof and preparation thereof..

Group XV, claim(s) 22 to 29, 34, 38, 40 to 43, 50 and 52 to 56 (all in part), drawn to compounds of the formula XVe, pharmaceutical compositions thereof and preparation thereof.

Group XVI, claim(s) 30, drawn to a method.

Group XVII, claim(s) 35, drawn to a vaccine composition.

Group XVIII, claim(s) 36, drawn to a method.

Group XIX, claim(s) 37, drawn to a method.

Group XX, claim(s) 44, drawn to a method.

Group XXI, claim(s) 45, drawn to an assay method.

Group XXII, claim(s) 46, drawn to a wound dressing.

The inventions listed as Groups I to XXII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the compounds do not share a special technical feature because they do not have a common core.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or

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invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must

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be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

The examiner has required restriction between product and process claims. Where applicant elects claims directed to the product, and the product claims are subsequently found allowable, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claim will be considered for rejoinder. All claims directed to a nonelected process invention must require all the limitations of an allowable product claim for that process invention to be rejoined.

In the event of rejoinder, the requirement for restriction between the product claims and the rejoined process claims will be withdrawn, and the rejoined process claims will be fully examined for patentability in accordance with 37 CFR 1.104. Thus, to be allowable, the rejoined claims must meet all criteria for patentability including the requirements of 35 U.S.C. 101, 102, 103 and 112. Until all claims to the elected product are found allowable, an otherwise proper restriction requirement between product claims and process claims may be maintained. Withdrawn process claims that are not commensurate in scope with an allowable product claim will not be rejoined. See MPEP § 821.04(b). Additionally, in order to retain the right

to rejoinder in accordance with the above policy, applicant is advised that the process claims should be amended during prosecution to require the limitations of the product claims.

Failure to do so may result in a loss of the right to rejoinder.
Further, note that the prohibition against double patenting rejections of 35 U.S.C. 121 does not apply where the restriction requirement is withdrawn by the examiner before the patent issues. See MPEP § 804.01.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fiona T. Powers whose telephone number is 571-272-0702. The examiner can normally be reached on Monday - Friday 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fiona T. Powers
Fiona T. Powers
Primary Examiner
Art Unit 1626

ftp
September 6, 2007